

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JEREMY GAY as the Wrongful Death Personal
Representative of the ESTATE OF RODNEY
LYNCH, RHONDA LYNCH, Individually and
On Behalf of L.N.L., a Minor Child, SHENALE
LEANN TSO, Individually, MELANIE LYNN
LYNCH, Individually, and AMBER REE LYNCH,
Individually,

Plaintiffs,

vs.

Cause No. 1:21-CV-00604 JCH/KK

CITY OF GALLUP, a Municipal Corporation
of the State of New Mexico,

Defendant.

**JOINT MOTION FOR FAIRNESS HEARING TO APPROVE A SETTLEMENT
INVOLVING A MINOR CHILD**

Plaintiffs, by and through their attorneys, Keeler and Keeler, LLP (William Keeler),
and Defendant City of Gallup, by and through its attorneys, Mason & Isaacson, P.A.
(Thomas Lynn Isaacson), submit this Joint Motion For Fairness Hearing to Approve a
Settlement Involving a Minor Child, and in support of the Motion STATE:

1. This lawsuit concerns the 2019 death of Rodney Lynch. Plaintiffs in the
lawsuit include the Personal Representative of the wrongful death estate and the decedent's
surviving wife and daughters.

2. Three of decedent's surviving daughters are adults. The fourth, L.N.L., is a minor.

3. The parties reached a settlement of all claims involved in the lawsuit during a mediation conducted on April 19, 2022. The settlement included all claims asserted on behalf of L.N.L.

5. The settlement amount and proposed distribution of fund is fair, reasonable, and in the best interest of L.N.L., as will be more fully described and explained in the Guardian ad Litem Report to be submitted in this matter.

6. The parties request that the Court schedule and conduct a fairness hearing to consider the proposed settlement between the parties, including the settlement of the minor's claims, and that it find the settlement reasonable and in the best interest of the minor child.

7. The federal courts recognize a duty to protect minors in regard to settlements reached on their behalf. *Garrick v. Weaver*, 888 F.2d 687, (10th Cir. 1989) (observing that courts have a "general duty . . . to protect the interests of [minors and incompetent persons] in cases before the court). Even where the claims may be primarily federal in nature, the court has a duty to determine whether the settlement is fair and in the best interests of the minor children. *Mares-Moreno v. Singh*, 278 F.Supp.3d 1223 (2017); *see also Unruh v. James D. Vandever Trucking, Inc.*, No. 17-0422, 2018 WL 1684328, at *3 (D.N.M. 2018), *aff'd in part, rev'd in part*, 2018 WL 2392217 (D.N.M.) (Herrera, J.). This is a traditional role of the Court, embodied in the law of New Mexico and the federal common law. *Id.*

WHEREFORE, Plaintiffs and Defendant City of Gallup request that this Court schedule a fairness hearing in this matter.

Respectfully submitted,

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I certify that on the 23d day of May, 2022 I filed the foregoing pleading electronically through the CN/ECF system, which caused all parties to be served by electronic means.

/s/ Thomas Lynn Isaacson